

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CELINA R. TOMPSAN,

Defendants.

Case No. 3:05-cr-00061-RRB

ORDER

A petition for post-conviction relief has been filed by Celina R. Tompsan under 28 U.S.C. § 2255.¹ However, Ms. Tompsan has appealed the judgment of conviction in this case to the Court of Appeals for the Ninth Circuit.²

This Court may not hear Ms. Tompsan's case while it is on appeal. The Ninth Circuit has instructed that the "district court should not entertain a habeas corpus petition while there is an appeal pending in this court or in the Supreme Court."³ To

¹ See Docket No. 36.

² See Docket No. 43 (appeal filed April 7, 2006).

³ *United States v. Pirro*, 104 F.3d 297, 299 (9th Cir. 1997), quoting *United States v. Deeb*, 944 F.2d 545, 548 (9th Cir. 1991), *cert. denied*, 503

do otherwise, "would eviscerate our goal of judicial economy by engaging the attention of two courts on the same case at the same time."⁴

IT IS HEREBY ORDERED:

Ms. Tompsan's motion at docket number 36 is DENIED, and this action is DISMISSED without prejudice.

DATED this 5th day of June, 2006, at Anchorage, Alaska.

/s/RALPH R. BEISTLINE
United States District Judge

U.S. 975 (1992), and *Feldman v. Henman*, 815 F.2d 1318, 1320 (9th Cir.1987).

⁴ *Id.*